

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35975 of 2020

Arising Out of PS. Case No.-127 Year-2020 Thana- JAGDISHPUR District- Bhojpur

1. BINOD YADAV Son of Late Ram Ishwar Yadav Resident of Village- Barki Hardiya, Police Station- Jagdishpur, District- Bhojpur.
2. Pramod Yadav Son of Late Ram Ishwar Yadav Resident of Village- Barki Hardiya, Police Station- Jagdishpur, District- Bhojpur.
3. Jitendra Yadav Son of Late Ram Ishwar Yadav Resident of Village- Barki Hardiya, Police Station- Jagdishpur, District- Bhojpur.
4. Praveen Kumar Yadav @ Praveen Kumar Son of Late Ram Ishwar Yadav Resident of Village- Barki Hardiya, Police Station- Jagdishpur, District- Bhojpur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Anil Kumar, Adv.
For the Opposite Party/s	:	Mr. Sharda Kumari, APP
For the Informant	:	Mr. Vinay Kumar Mishra, Adv.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 26-03-2021 Heard Mr. Anil Kumar learned counsel for the petitioner and Mr. Vinay Kumar Mishra, learned counsel for the informant. The State is represented by Ms. Sharda Kumari, learned APP.

The petitioners, who are own brothers seek bail in anticipation of their arrest in connection with Jagdishpur P.S. Case No. 127 of 2020 instituted for the offences under Sections 147, 148, 149, 341, 323, 504, 307 and 302 of the Indian Penal Code.



The father of the informant is said to have been killed at the hands of the accused persons including the petitioners. The informant has also been assaulted as a result of which he has suffered injuries on his head.

Learned counsel for the petitioners has submitted that except for petitioner no. 1 who along with one Ravi Kumar is said to have assaulted the deceased, there is no accusation of assault on petitioner nos. 2, 3, and 4. So far as the informant is concerned, he is said to have been assaulted by one Munna Yadav. Thus for all practical purposes, learned counsel for the petitioners has submitted that petitioner nos. 2, 3 and 4 have only been named in the F.I.R. without there being any specific accusation.

Considering the afore-stated facts, the prayer for anticipatory bail of the petitioner no. 1 is rejected.

He may surrender before the court below and seek bail and in that event his application shall be considered on its own merits without being prejudiced by the fact that his application for grant of anticipatory bail has not been entertained.



So far as the petitioner nos. 2, 3 and 4 are concerned, since they are only named in the column of the accused persons and in the body of the F.I.R. but no overt action has been attributed to them, they are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate -XI, Bhojpur at Ara, in connection with Jagdishpur P.S. Case No. 127 of 2020, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Ashutosh Kumar, J)

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